**THE HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.17475 of 2007**

**Dated:20.08.2007**

Between:

B.Vijay Kumar, S/o.B.R.Mohan Rao,
and others.

… Petitioners

AND

The Joint Collector-II, Ranga Reddy District,
and others.

… Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.17475 of 2007**

**ORDER**:

This writ petition is filed seeking a writ of Mandamus declaring the action of the second respondent, namely, the Revenue Divisional Officer (East Division), Ranga Reddy District (RDO), in initiating proceedings for grant of Occupancy Rights Certificate (ORC) in respect of lands comprised in survey Nos.258, 275/A, 277/A, 292, 293, 299, 300, 301, 305 and 306 situated at Mamidipally village of Saroornagar Mandal in Ranga Reddy District, as illegal and arbitrary, and for a consequential direction to second respondent not to grant ORC to third respondent.

The petitioners herein allegedly purchased different extents of land in various survey numbers of Mamidipally village under registered documents. Their vendors were allegedly granted ORC by the RDO under the provisions of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (Inams Abolition Act, for brevity). Some other persons also purchased the land and their names were mutated as per the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity). Petitioners further state that the ORC issued in favour of their vendors was challenged before the appellate authority. By order dated 25.02.2006, the first respondent set aside the ORC issued by the RDO. Thereafter third respondent filed application before the second respondent seeking ORC in the name of Dharga Saif Nawaz Jung, under Section 4 read with Section 10 of Inams Abolition Act. When the second respondent initiated action on the application of the third respondent, petitioner filed the instant writ petition.

Learned Counsel for the petitioners submits that the Joint Collector passed orders without issuing notice to the petitioners, who are in actual possession of the land, and therefore, the consequential proceedings before the first respondent at the instance of third respondent for grant of ORC are unsustainable. He also submits that when the order passed by the first respondent dated 25.02.2006 under Section 24 of Inams Abolition

Act is subject matter of writ petition pending before this Court, first respondent ought not to have initiated action for issue of ORC. This Court, after perusing the order passed by the first respondent dated 25.02.2006 and the notice issued by the second respondent in Form-II on 04.05.2007, is of considered opinion that when the second respondent is seized of the matter, nothing prevents the petitioners to approach him and raise all objections for grant of ORC in favour of third respondent in respect of the land, which the petitioners allegedly purchased under registered documents. When the grant of ORC to the third respondent is subject matter of the enquiry before the second respondent, it would not be proper for this Court to express any opinion on right of either third respondent or the petitioners to get ORC. Liberty is given to the petitioners to file appropriate application to get impleaded before the second respondent. As and when such application is filed, petitioners may be heard by second respondent before issuing ORC in favour of third respondent. It is also open to the petitioners to bring to the notice of the second respondent about the pendency of the writ petition, being
W.P.No.6082 of 2006, filed against the orders of the Joint Collector dated 25.02.2006 in Case No.F1/337/2005 etc.

The writ petition is misconceived and is accordingly dismissed. No costs.

_____

(**V.V.S.RAO, J**)

20.08.2007
vs